



PATENT  
ATTORNEY DOCKET: 46684-5413

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
John R. MADDISON ) Confirmation No.: 2336  
Application No.: 10/772,591 ) Group Art Unit: 2624  
Filed: February 4, 2004 ) Examiner: Ahmed F. Abdelnour  
For: MICROSCOPE SYSTEM )  
AND METHOD )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop RCE**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. § 1.56 and 1.97(b) Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. Applicant is filing concurrently herewith a Request for Continued Examination under 37 C.F.R. § 1.114 for the above-identified application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

A number of the references listed on the attached PTO Form 1449 were cited in an Opposition paper from European Patent No. 0 994 433 which is a counterpart to U.S. Patent No. 6,847,729. A copy of an English-language translation of the Opposition paper as well as a copy of the subject European Patent No. 0 994 433 are attached for the Examiner's consideration.

Copies of the non-U.S. patent documents cited in this Opposition paper, and also as otherwise listed on the attached PTO Form 1449, are also attached. The relevance of the non-English language documents can be understood at least from the respectively attached English-language translations. Applicant respectfully requests that the Examiner consider the listed

documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

  
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Dated : January 8, 2008

By:

**CUSTOMER NO. 055694**

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